

# **Exhibit 5**

**REDACTED**

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFT

June 10, 2016

1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KATHERINE MOUSSOURIS, HOLLY MUENCHOW, and DANA PIERMARINI, on behalf of themselves and a class of those similarly situated.

Plaintiffs,

vs.

Case No. 2:15-cv-01483-JLR

MICROSOFT CORPORATION

Defendant.

\*\* CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION

OF

## KATHERINE MOUSSOURIS

DATE: June 10, 2016

REPORTED BY: Holly J. Buckmaster, RPR

CSR No. 2859

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFT

June 10, 2016  
16

1 which position you were in?

2 A. Specific areas of focus would change over time but

3 they were all related to computer security.

4 Q. Now, did you speak to either [REDACTED] or [REDACTED]

5 about obtaining a job there before February of 2014?

6 A. Not specifically that I can recall at this time.

7 Q. So was it February of 2014 in which you began first

8 speaking to potential employers about jobs outside of

9 Microsoft?

10 A. Throughout my career at Microsoft, as with anyone in

11 my industry, periodically you'll talk to people about

12 different roles that they may have available over

13 time.

14 Q. And did you talk to companies outside of Microsoft

15 about potentially going to work there before February

16 of 2014?

17 A. Yes.

18 Q. Which companies?

19 A. Adobe.

20 Q. Anyone else?

21 A. I'm certain there were more over the years; however,

22 I can't recall all of them.

23 Q. When did you speak with Adobe about a potential job

24 outside of Microsoft?

25 A. Somewhere around 2010 or 2009.

1 Q. And why did you decide not to pursue that  
2 opportunity?

3 A. At that time I wanted to do something in a specific  
4 area around vulnerability disclosure and when I told  
5 my supervisors that I was looking to pursue a  
6 different focus, they responded by creating a role for  
7 me which I took instead of taking the job at Adobe.

8 Q. And who were the supervisors who created that  
9 vulnerability role for you?

10 A. It was -- it was still titled in the same title of  
11 what I was doing, so it was -- it was a number of  
12 different managers who all discussed not wanting to  
13 have me leave the company, so it would have been  
14 including David Ladd, who was my manager at the time,  
15 Michael Reavey, Steve Lipner. There may have been  
16 more, but I can't recall any more at this time.

17 Q. So at the time you told someone at Microsoft that you  
18 were considering leaving to do this vulnerability  
19 work, David Ladd was your direct supervisor?

20 A. Correct.

21 Q. And your understanding is that he and other people  
22 created a new role for you to encourage you to stay?

23 A. They took some pieces of existing roles that I had  
24 held in the -- in Mike Reavey's organization before  
25 and then offered some additional opportunities for me

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
22

1 and get an overall chronology of your time at  
2 Microsoft and the positions that you held.

3 A. Uh-huh.

4 Q. I do have documents, including your reviews, so if  
5 you don't know, I'm happy to show you and we can deal  
6 with it in the documents, but I thought we would see  
7 if we could get there, is it correct that your hire  
8 date at Microsoft was April 16 of 2007?

9 A. That sounds about correct.

10 Q. And you came in as a level two -- I'm sorry, level 62  
11 employee?

12 A. Yes.

13 Q. Your original salary was \$110,000 a year, base  
14 salary?

15 A. Correct.

16 Q. Your original title was security program manager?

17 A. I believe so.

18 Q. What --

19 A. That was the title that HR used in the system, but  
20 our titles on our business cards were often different,  
21 so I believe the business card titles at the time were  
22 security strategist.

23 Q. You were an individual contributor in that role?

24 A. Correct.

25 Q. Meaning no employees reported to you directly.

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
23

1 A. Correct.

2 Q. And what were your duties as either a security  
3 strategist or a security program manager?4 A. To promote the work of Microsoft security and to  
5 enable hackers to work more cooperatively with  
6 Microsoft to the benefit of Microsoft and its  
7 customers and ideally also to the benefit of the  
8 hackers who were willing to work with them.9 Q. As someone who was promoting the work of Microsoft  
10 security, what were you doing?11 A. As a program manager in the security organization,  
12 you had various duties as needed. At the time when I  
13 joined the group, they did a lot of community  
14 outreach, so some of it was going to security  
15 conferences, finding out about computer security  
16 research and identifying key areas that Microsoft  
17 would have to pay attention to to secure its products.18 Identifying security researchers who might be  
19 good to recruit to Microsoft to help it secure its  
20 products. Working with conference organizers with  
21 sponsorships from Microsoft and various other duties.22 I also had the ability to initiate new  
23 programs to work with the hacker community more  
24 effectively and others, Microsoft partners.

25 Q. Were you promoting the Microsoft security

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
24

1 organization within Microsoft as well as outside of  
2 Microsoft?

3 A. Well, like acting like a liaison between the hacker  
4 community and Microsoft's security response team and  
5 developers, promoting sec -- new and emerging security  
6 best practices inside of Microsoft was also part of  
7 that role.

8 And looking for security researchers to speak  
9 at the Microsoft internal security conference call,  
10 BlueHat.

11 Q. Was the -- the thrust of your role to increase  
12 security within Microsoft or to do something else?

13 MS. DERMODY: Object to form.

14 THE WITNESS: The entire trustworthy  
15 computing organization that I was a part of was there  
16 to increase the security of Microsoft.

17 Q. (BY MS. HERMLE) And so the thrust of your role also,  
18 this first role, was to increase the security at  
19 Microsoft?

20 A. I had various duties in -- within that capacity, yes.

21 Q. But I'm just trying to get a sense of the overall  
22 mission, was your overall mission in that role to  
23 increase the security of Microsoft?

24 MS. DERMODY: Object to form.

25 THE WITNESS: The overall role in that

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
29

1                   were there?

2   A.       The overall trustworthy computing group did the same  
3                   name while I was there, yes.4   Q.       In terms of the chronology, is it correct that you  
5                   were promoted to senior program manager in September  
6                   of 2008, a little over a year after you began working  
7                   there?

8   A.       Yes, that sounds right.

9   Q.       And you then became a level 3 -- sorry, 63 employee?

10   A.       Correct.

11   Q.       You had a salary increase to \$115,000 a year?

12   A.       That sounds about right.

13   Q.       And you had a bonus of over \$18,000 if you recall?

14   A.       That sounds about right.

15   Q.       At the time you were promoted to level 63 from level  
16                   62 in September of 2008, were you about seven months  
17                   pregnant with your first child?

18   A.       Can you repeat those dates again?

19   Q.       Yes. My understanding is you had a child in November  
20                   of 2008?

21   A.       Yes.

22   Q.       And in September of 2008, were you promoted to level  
23                   63?

24   A.       Yes.

25   Q.       In September of 2009, do you recall what your

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
30

1 compensation treatment was?

2 A. I don't recall specifically at this moment.

3 Q. Okay. Were you promoted to level 64 in September of  
4 2010?

5 A. That sounds right.

6 Q. Okay. And at that time, was your salary increased to  
7 \$126,000-plus a year?

8 A. I believe so. That sounds familiar.

9 Q. Okay. In September of 2011, do you recall getting a  
10 No. 1 performance rating?

11 A. I believe that was the year I got the 1, yes.

12 Q. And was there a salary increase to right about  
13 \$160,000?

14 A. There were a couple of different salary adjustments  
15 that the company was doing at the time, so not all of  
16 that salary increase was due to my promotion that  
17 year, I believe. And I don't exactly recall, it  
18 happened in stages through -- I think everyone at the  
19 company in certain engineering roles were being given  
20 additional compensation. There was a -- there was an  
21 adjustment that happened.

22 Q. Did you get a merit increase adjustment in September  
23 of 2011 of 4.8 percent?

24 A. I don't recall the exact percentage, but --

25 Q. Do you recall getting a bonus of over 24,000 the year

1 start by April 1st and you're not eligible to be  
2 reviewed that year, which is why when I started in  
3 2007, mid April, I wasn't reviewed in 2007 formally.

4 Q. In 2013, did you get a 2 rating?

5 A. Yes, I think that's right. Uh-huh.

6 Q. In 2012, did you get a 3 rating?

7 A. Yes.

8 Q. And did you move to an independent contributor track  
9 in September of 2013?

10 A. Yes.

11 Q. And when did you resign your Microsoft employment?

12 A. I sent a -- I sent my manager an e-mail about being  
13 forced to resign from Microsoft and I had asked for an  
14 end date around the end of May and then my supervisor  
15 at the time modified that end date to one of his  
16 choosing, even though I believe I was still getting  
17 paid until the end date that I had asked for at the  
18 end of May.

19 Q. So excuse me, did you send that e-mail on May 15th to  
20 Mr. Bryant?

21 A. I'm not sure of the exact date.

22 Q. Did you ask for a two-week period before your  
23 resignation was effective?

24 A. Per normal professional standards, I gave two weeks'  
25 notice that I had been forced to resign and I was

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
35

1 giving two weeks' notice to do any kind of job  
2 transitions that they may have needed me to do.

3 Q. So on May 15, when you sent the resignation letter,  
4 was it your plan to work through May 29th, through the  
5 end of the month?

6 A. When I was forced to resign, it was my plan to work  
7 until the end date that I had asked -- or that I had  
8 let them know about my professional transition.

9 Q. Right. What I'm trying to find out from you when  
10 that was, was the date that you set as your planned  
11 actual departure date two weeks after you sent the  
12 resignation e-mail?

13 A. The date that I had planned for professional  
14 transition of any of my job duties was the date that I  
15 had specified in the e-mail that I sent saying that I  
16 had been forced to resign.

17 Q. But could you answer my question?

18 A. I think I've answered your question.

19 Q. No, I'm asking you what is that end date?

20 MS. DERMODY: Object to form. Argumentative.

21 THE WITNESS: The end of -- the end of May.

22 Q. (BY MS. HERMLE) Perfect.

23 Before you sent the e-mail to Mr. Bryant in  
24 the middle of May 2014, how many people at Microsoft  
25 had you told you planned to resign?

1 A. I don't know an exact number of people that I talked  
2 to about what was being done to me at Microsoft.

3 Q. My question was different, it was how many people had  
4 you told you planned to resign?

5 MS. DERMODY: Objection.

6 Q. (BY MS. HERMLE) Had you told anyone at Microsoft  
7 before May 15th that you were resigning?

8 MS. DERMODY: Object to form.

9 THE WITNESS: I'm sure I told other people at  
10 Microsoft that I was being forced to resign.

11 Q. (BY MS. HERMLE) When did you first tell anyone at  
12 Microsoft that?

13 A. I had been complaining to HR for quite some time  
14 about what was happening to me so --

15 Q. My question had to do with being forced to resign and  
16 your resignation, what I'm trying to find out is when  
17 did you first tell anyone you were resigning?

18 A. When did I first tell anyone that I was being forced  
19 to resign?

20 Q. You can phrase it any way you like, but communicating  
21 the concept of leaving the company, when did you first  
22 do that?

23 A. I believe it was in January of 2014.

24 Q. And to whom did you convey that?

25 A. I was conveying to my supervisors and to HR and to

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
37

1 other confidants at work --

2 Q. And who were the confidants?

3 A. -- that I was being forced out.

4 Leah Lease, Ellen Cram-Kowalczyk, [REDACTED],  
5 probably other people that I was talking to about what  
6 was happening. Mike Reavey. Steve Lipner. [REDACTED]

7 [REDACTED]. [REDACTED]. There were probably others,  
8 I can't recall the entire list right now, but if I  
9 think of them throughout the day, I'll add to that  
10 answer.

11 Q. At any time before mid May of 2014, did you convey to  
12 Chris Betz that you planned to resign or were being  
13 forced to resign?

14 A. I think -- at any time -- can you repeat the --

15 Q. Yes, I'm focusing on when you sent the actual e-mail.  
16 At any time before you sent the e-mail to Jerry  
17 Bryant, did you convey to Chris Betz that you were  
18 either resigning or being forced to resign?

19 A. I conveyed throughout my management chain that I was  
20 being forced out and forced to resign before I sent  
21 that e-mail, yes.

22 Q. And what is the earliest time you did that, was that  
23 in January of 2014?

24 MS. DERMODY: I'm sorry, just a  
25 clarification, are you asking about Chris Betz or

1 to work with other groups to achieve really any  
2 desirable professional outcomes and create new  
3 programs and I was successful at doing that the entire  
4 time.

5 Q. Other than language suggesting you needed to focus on  
6 the how rather than the what, did he use other  
7 language that you are calling gendered or believe was  
8 inappropriate because of a gender bias?

9 MS. DERMODY: Object to the form.

10 THE WITNESS: Not that I can recall but --  
11 not right now.

12 Q. (BY MS. HERMLE) And did Mr. Reavey treat you  
13 differently because of your gender in any way other  
14 than using this language?

15 MS. DERMODY: Object to the form.

16 THE WITNESS: I can't recall any other ways  
17 in which he would treat me besides having it impact my  
18 reviews and promotions.

19 Q. (BY MS. HERMLE) In 2013, did Mr. Reavey speak to you  
20 about using an executive coach?

21 A. I believe it was 2013, yeah.

22 Q. How did the topic of a coach first come up?

23 A. I believe he was talking to me about -- it was  
24 probably a conversation about my lack of advancement  
25 to level 65 and I recall him saying that instead of

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFT

June 10, 2016  
52

1 promoting me, they would offer me training, special  
2 training that was normally only offered to level 65  
3 employees and that he would do so in order to -- I  
4 think, you know, offer me something else instead of  
5 promotion.

6 Q. In the context of this discussion, did Mr. Reavey  
7 suggest to you that that training could help you  
8 achieve level 65?

9 A. I believe that was the -- that was part of the -- the  
10 training, would have been to try and find other  
11 strategies to overcome the obstacles that had been  
12 told to me, uh-huh.

13 Q. So I'm not sure if I understand your answer. In this  
14 discussion, was -- did Mr. Reavey talk about the  
15 problem with the how?

16 A. I don't recall if it was in the discussion about the  
17 executive coaching that he was specifically talking  
18 about the problem with the how. He -- he was just  
19 offering me this training that was -- I recall him  
20 saying that he had had to jump through some hoops to  
21 get it approved.

22 Q. So I want to take you through --

23 MS. DERMODY: Lynne, hang on one second. If  
24 there is a chance to do a break soon, we've been going  
25 about an hour.

1 MS. HERMLE: Yeah.

2 MS. DERMODY: I could use one.

3 MS. HERMLE: Yeah. Yeah. Let me just get  
4 through this conversation.

5 Q. (BY MS. HERMLE) So Ms. Moussouris, did this  
6 conversation start out by Mike Reavey telling you that  
7 he thought an executive coach could help you  
8 potentially achieve a promotion to level 65?

9 A. I'm not sure if it started that way. I don't recall  
10 exactly how the topic came up, so --

11 Q. In the conversation, did he tell you that, that he  
12 thought working with an executive coach might help you  
13 achieve the promotion to level 65?

14 MS. DERMODY: Object to form.

15 THE WITNESS: At some point during our  
16 discussions, he may have -- he may have said that.

17 Q. (BY MS. HERMLE) Did you understand that you were  
18 being offered the executive coach in order to help you  
19 achieve a promotion?

20 MS. DERMODY: Object to form.

21 THE WITNESS: I didn't -- I did not take  
22 executive -- the offer of executive coaching as a --  
23 a -- a means to achieve that promotion.

24 Q. (BY MS. HERMLE) What did you understand the purpose  
25 of offering you that coach to be?

1 A. To provide some additional training for me.

2 Q. On what areas?

3 A. Actually it was sort of worked out with the coach.

4 It was -- it was looking at the different obstacles to

5 getting things done with a team, you know, different

6 teams and looking at ways to -- different strategies

7 to -- to manage my career really.

8 Q. And what did he say to you in that conversation?

9 A. Who, who's "he"?

10 Q. What did Mr. Reavey say to you in the conversation

11 you had with him in 2013 about an executive coach?

12 A. He said a lot of things.

13 Q. And what were they?

14 A. I can't -- I can't recall every word he said to me in

15 2013, but -- but from what I recall, he offered --

16 Q. Let -- let me change that.

17 A. Okay.

18 Q. I don't think you understood what I was trying to ask

19 you.

20 A. I definitely didn't.

21 Q. I'm focusing on the conversation that you had with

22 him in which the two of you discussed for the first

23 time you having an executive coach and I think you

24 said he told you he had to jump through hoops to get

25 this done. In that conversation, what did you say to

1                   Mr. Reavey and what did he say to you?

2   A.    Well, I remember expressing that I was disappointed  
3                   that I wasn't -- continuing not to be advanced to  
4                   level 65 and I think that it was -- I was willing to  
5                   try anything that he suggested to try and overcome  
6                   the -- what those -- those words that he would keep  
7                   using, telling me that I wasn't -- I wasn't going to  
8                   get advanced, so --

9   Q.    And what else was said in the conversation about the  
10                  coach? When you said these things, what did he  
11                  respond?

12   A.    Well, I already mentioned that he had said that he  
13                  had -- he had had to get special exceptions to provide  
14                  that training for a person who was under level 65. I  
15                  think he -- he probably said that it was going to be  
16                  beneficial to my career to do executive coaching, as  
17                  it would be for anyone.

18   Q.    Did you or Mike Reavey say anything else in this  
19                  conversation in which you discussed the executive  
20                  coach?

21   A.    Most likely, but I can't -- I can't recall everything  
22                  that was said during that conversation.

23   Q.    Do you recall anything else you said or Mike Reavey  
24                  said in that conversation?

25   A.    Not at this time, but if I remember something else

1 A. Uh-huh.

2 Q. Is it your understanding that those discussions would  
3 have taken place at about the time of the performance  
4 reviews, annual performance reviews?

5 A. They typically would take place in -- and my  
6 observation as a manager later would confirm that they  
7 would take place during the calibration discussions  
8 and that's why they were also required as input into  
9 those discussions in the workbooks before those  
10 meetings.

11 Q. So in other words, in the ranking or calibration  
12 process, not only would the review scores be  
13 discussed, but also potential promotions?

14 A. Yes.

15 Q. And for purposes of your second promotion at  
16 Microsoft in 2010, do you have an understanding of who  
17 was involved in supporting that promotion?

18 MS. DERMODY: Object to form.

19 THE WITNESS: I believe it would have been  
20 the same set of managers because I was not crossing a  
21 level band, so the same -- or whoever -- the higher  
22 ranking managers and me at the time.

23 Q. (BY MS. HERMLE) Michael Reavey would have been your  
24 direct manager at the time the promotion was  
25 effective; is that correct?

1 A. I believe so. But my -- also David Ladd would have  
2 been in support of it as well. Company culture would  
3 have been, you know, as I was leaving one team and  
4 going to another, if there was a promotion discussed,  
5 they would -- they would discuss that, yes, I still  
6 would get the promotion, even moving teams, so yes.

7 Q. So when you say "company culture," you're saying that  
8 you understood it to have been a practice that the  
9 managers in a team that you were leaving would have  
10 had input into the promotion for the team you were  
11 joining?

12 A. Absolutely, yes.

13 Q. Looking at 4 still, Mr. Oram was your supervisor at  
14 the time he gave you the No. 1 rating in 2011; is that  
15 correct?

16 A. He delivered the news that I had gotten a No. 1  
17 rating in the stack ranking process.

18 Q. Did he -- do you know what rating you had gone into  
19 the process with?

20 A. He supported me getting a 1 in that process and I did  
21 receive a 1.

22 Q. So it is your understanding that you had a 1 going  
23 into the process and a 1 coming out of the process?

24 A. That was my understanding.

25 Q. With respect to Mr. Oram delivering to you a review

1 work from bed rest and running all of the meetings  
2 required for that release, that I was not recognized  
3 for that accomplishment, and his conveyance of what  
4 happened was essentially that I just wasn't given  
5 credit for it because I was -- I was not in the  
6 workplace, I was home on -- on medical leave for my  
7 baby and my health.

8 Q. Did he say anything to you about the how?

9 A. He mentioned that some of the things that was -- were  
10 brought up by the other managers was that they were  
11 saying that the coms team, the communications team,  
12 who would have been heavily involved in this  
13 announcement, were complaining about the how.

14 Q. Did he tell you what the complaints about the how  
15 were?

16 A. Just that they were saying that -- that I was being  
17 difficult about some details of the announcement.

18 Q. Was there any more specifics that he provided to you  
19 about how the communications team was complaining  
20 about your conduct?

21 MS. DERMODY: Object to form.

22 THE WITNESS: I recall that conversation as  
23 me saying that one of the -- one of the areas where I  
24 refused to compromise with the comms team was on the  
25 element of company-provided entertainment at the event

1 MS. DERMODY: Object to form.

2 THE WITNESS: I don't -- I don't recall her  
3 saying that exactly, but I -- what I was saying is I  
4 think she was upset with -- she was upset with the  
5 reporting to a manager because she had been largely  
6 autonomous, she -- there had been no one managing her.  
7 The director at the time, I think, was supposedly her  
8 manager, but he didn't really manage her actively at  
9 all.

10 Q. (BY MS. HERMLE) And other than with respect to  
11 believing she had issues with reporting to anyone, did  
12 she convey to you she had issues with the way that you  
13 supervised her?

14 A. She conveyed that she was unhappy, yes.

15 Q. And while she was reporting directly to you, she  
16 resigned and went to work at Amazon?

17 A. She decided to go to work at Amazon, yeah.

18 Q. And who were the other employees who reported to you  
19 directly, other than [REDACTED], [REDACTED] and  
20 [REDACTED]?

21 A. [REDACTED].

22 Q. I'm just screwed on that, I'll just never get it.  
23 Mr. -- I'm going to write it, this --

24 MS. DERMODY: [REDACTED].

25 MS. HERMLE: [REDACTED], thank you so much.

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
150

1 MS. DERMODY: It'll help.

2 THE WITNESS: The other full-time employee  
3 that -- that was hired was [REDACTED].4 Q. (BY MS. HERMLE) And were you involved in [REDACTED]  
5 hiring?

6 A. Yes.

7 Q. And in the course of your -- how long did you  
8 supervise her?9 A. Let's see. She was -- she was originally a vendor, I  
10 think, and then she transitioned into being a  
11 full-time employee and I'm not sure exactly, I think,  
12 when that transition happened, but I think it was --  
13 I'm just trying to remember when it -- when it started  
14 approximately. It was -- it was less than a year, I  
15 know that much for sure.16 Q. And how did she come to stop working under your  
17 supervision?

18 A. She was -- she was terminated.

19 Q. And did you play any role in her termination?

20 A. As her manager, I followed the procedures that were  
21 outlined for me by HR to perform her performance  
22 management and then termination.23 Q. Before you terminated [REDACTED], did she convey to  
24 you what she thought about your supervision of her?

25 A. She was unhappy with it as well.

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
195

1 A. I don't recall exactly. It was -- I was very upset  
2 that I was being forced to leave.

3 Q. Did you communicate to Microsoft employees as of  
4 March 6, 2014, that you had made the decision to  
5 leave?

6 A. I -- I don't recall when I --

7 Q. When did you first make the complaint within  
8 Microsoft regarding the treatment that you had  
9 received from the company?

10 MS. DERMODY: Object to form.

11 MS. HERMLE: Yeah, that is really vague.

12 Q. (BY MS. HERMLE) In 2008, did you make a complaint  
13 about your supervisors' conduct?

14 A. Technically. I --

15 Q. So I want to ask you about it, but could you just  
16 answer the question, did you do that or did you not or  
17 did you do something else?

18 A. I'm trying to answer your question. What happened  
19 was I had spoken to a co-worker about what I found to  
20 be sexual harassment in my organization done by Andrew  
21 Kushman and that co-worker went and said that she was  
22 going to let HR know that they should talk to me  
23 and -- she let me know that she was going to do that,  
24 so she reached out to HR and then HR contacted me and  
25 then I told them the truth when they asked me about

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
196

1 Andrew Kushman.

2 So he wasn't my direct supervisor, there were  
3 two inaccuracies in your question and that I was  
4 trying to clarify. I did not go to HR initially, I --  
5 my friend did in the organization and then HR came to  
6 me, and then two, it wasn't a complaint about my  
7 supervisor, it was my about my skip level, which was  
8 Andrew Kushman.

9 MS. HERMLE: Mark the answer, please.

10 Q. (BY MS. HERMLE) Who was the employee who went to HR?

11 A. [REDACTED].

12 Q. What did you report to HR after she did so?

13 A. That I had witnessed Andrew Kushman doing and saying  
14 things that were unacceptable in terms of sexual  
15 harassment of his employees and other people, other  
16 women in the org, making inappropriate comments at --  
17 at work, at work events.18 And, you know, I had told him directly that  
19 it was unacceptable, sometimes in real time when he  
20 was doing it and certainly as a summary right before I  
21 left his team to go to the SGL team.

22 Q. Was there an investigation conducted?

23 A. Yes.

24 Q. Who conducted it?

25 A. Laurie Serrano. And the --

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
197

1 Q. Did you --

2 A. I'm sure other people within -- because at some  
3 point, when the investigation was still happening,  
4 I -- I went on maternity leave for the first time, but  
5 she was the one I dealt with.6 Q. Did you have an understanding that there were any  
7 consequences to Mr. Kushman?

8 MS. DERMODY: Object to form.

9 THE WITNESS: I had an understanding that he  
10 still had his job and still had his -- he wasn't put  
11 on leave, he had -- he had stopped being the -- the  
12 director of the MSRC and moved over into some other  
13 position and that he couldn't manage people for a  
14 while until he had gone through some training and then  
15 I observed him getting promoted again.16 MS. HERMLE: Would you mark the answer,  
17 please.18 Q. (BY MS. HERMLE) My question, Ms. Moussouris, was, did  
19 you have an understanding that there were any  
20 consequences to Mr. Kushman as a result of the  
21 investigation, and so did you understand that his  
22 ability to manage people within Microsoft for some  
23 period of time had been affected by the investigation?24 MS. DERMODY: Object to form. Asked and  
25 answered.

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFT

June 10, 2016  
198

3 Q. (BY MS. HERMLE) How did you know that he was required  
4 to go through training?

5 A. He told me.

6 | 0. What did he say?

7 A. He said that I'm in manager jail and I have to go  
8 through some training.

9 Q. And how long after the investigation was the  
10 promotion that you just volunteered?

11 A. It was, you know, some -- a couple of years later.  
12 I'm not sure exactly when.

13 Q. Did you ever convey to anyone other than Laurie  
14 Serrano the fact that you had participated in that  
15 investigation?

16 A. [REDACTED] and [REDACTED] were involved in the  
17 investigation, [REDACTED], [REDACTED].

18 Q. My question was, did you ever convey to anyone that  
19 you were involved in the investigation?

20 A. I conveyed to those people. My new supervisor, David  
21 Ladd, and Steve Lipner. If I think of anybody else,  
22 I'll add to it.

23 Q. Why were you telling people you were involved in that  
24 investigation?

25 A. Before the investigation happened and I was

1 to managers was that was supposed to be what your  
2 future contributions to Microsoft might be based on  
3 their estimation of your, you know, your potential and  
4 your, you know, your -- your overall perceived  
5 longer-term value to the company and so that was used  
6 to give a stock awards -- or decide stock awards was  
7 if you ended up in the top 20 percent, there was a  
8 range of stock awards, the same thing with the  
9 "exceeded," "achieved" and "underachieved," there was  
10 a range that was at the discretion in terms of bonus  
11 for an "exceeded," and there was a range of stock  
12 awards that you could get as a result of getting a 20  
13 percent rating, which was the highest rating.

14 So given --

15 Q. Do you remember my question?

16 A. Given that -- given that I received an "exceeded," 20  
17 and got a promotion, I -- oh, and the -- and the raise  
18 percentage as well, the merit percent was supposed to  
19 be -- the merit percent and the promotion percent --  
20 it was -- the fact that it went to close to the bottom  
21 of the range of the bonus review amount, it was  
22 adjusted downwards after this complaint happened.

23 And also, the percentage that I got for both  
24 getting the highest scores across both of those  
25 measures and a promotion and I got a total of less

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
202

1                   than five percent raise going from a not senior band  
2                   into the senior band also seemed very suspect.

3                   And so I added -- once I found out that those  
4                   were my bonus amounts and those were my raise amounts,  
5                   I added it to the complaint and said I think there has  
6                   been a retaliation here because I think these have  
7                   been adjusted downwards.

8                   And what was conveyed to me by Laurie was  
9                   that in the matter of sexual harassment of the  
10                  allegations against Mr. Kushman, they were founded,  
11                  and in the matter of the retaliation, that they didn't  
12                  find them to be outside of the practices that could  
13                  have naturally occurred, I suppose, inside of the --  
14                  inside of the group and that each group varied and so  
15                  she gave an explanation that it was within the bounds  
16                  of the group to vary it.

17                  And so that's why they said that no, it  
18                  wasn't retaliation, even though it occurred after that  
19                  complaint was filed. So that's why I believed that I  
20                  was retaliated against as a result of that  
21                  investigation, which I believe was your original  
22                  question.

23                  MS. HERMLE: Would you mark that, please.

24 Q.                (BY MS. HERMLE) When was the next time you raised any  
25                  complaint about harassment, discrimination or unfair

1                   an individual contributor and shifting my focus area.

2                   So there were a lot of discussions going  
3                   around based on we didn't know what my promotion  
4                   status was going to be or whether or not Mike Reavey  
5                   would recommend to the new director that change in  
6                   structure where I was an IC and we had many  
7                   discussions about that.

8                   So a lot of it about head of EcoStrat versus  
9                   not was contingent upon some of these other events  
10                   that were happening at the same time and all these  
11                   shifting, you know, shifting bits of data.

12           Q.       Did you communicate to anyone at Microsoft that you  
13                   were recommending Jerry Bryant take the role that he  
14                   took?

15           A.       We discussed -- once we found out that I was not  
16                   going to be promoted, that, you know, we discussed  
17                   whether or not it would be me or Jerry. Jerry had  
18                   said he would be willing to follow me and that he  
19                   wouldn't contest, you know, or try and interview for  
20                   the role if I wanted it, because I had more experience  
21                   than he did, he was newly hired into the team by Mark  
22                   Oram the year before and he wasn't being recommended  
23                   for a promotion by Mark, he told me so himself, so he  
24                   was willing to let me lead the team if that's what I  
25                   wanted to do.

1                   But because I had seen such a poor outcome of  
2                   the stack ranking process and the calibration process  
3                   from my direct reports, I didn't want to be party to  
4                   that system anymore, that was so inconsistent with the  
5                   merit that they -- or the merit that they showed and  
6                   what they earned and what they got as a result of that  
7                   process, I didn't want to waste a lot of my time in a  
8                   system that I felt was -- was broken and  
9                   disadvantageous, so I wanted to stay an IC.

10                  And the discussions I had with him before he  
11                  took the job were around that we would still be --  
12                  that we would collaborate together and that I would  
13                  still be the strategic head and strategic -- head of  
14                  the previous area that I led as a manager but that I  
15                  wouldn't have the managerial burden anymore and he  
16                  would take that over for me, so at that point, that is  
17                  when I said, okay, Jerry should go ahead and have it.

18                  Q.     So you did recommend that Jerry take on the job he  
19                  took?

20                  MS. DERMODY: Object to form.

21                  THE WITNESS: Referring to my previous  
22                  answer, after a lot of discussion and -- and after  
23                  some of the outcomes of the review process, I decided  
24                  that that was -- that -- I still didn't want to deal  
25                  with the managerial duties and participate in the

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFTJune 10, 2016  
249

1                   calibration system anymore, so I recommended him  
2                   because he was willing to take on that role and that  
3                   we would still -- that I'd still be the strategic head  
4                   of those other areas, which he then immediately  
5                   started taking away when he became that head of the  
6                   team.

7   Q.            (BY MS. HERMLE) Could you just tell me when you made  
8                   that recommendation, Ms. Moussouris?

9                   MS. DERMODY: Object to form.

10                  THE WITNESS: At some point after we found  
11                  out what our review outcomes were. So I don't know --  
12                  or that we found out what our likely review outcomes  
13                  were.

14   Q.            (BY MS. HERMLE) The question was when?

15   A.            Sometime in the fall or the late summer, early fall,  
16                  I don't recall exactly.

17   Q.            The late summer or early fall of what year?

18   A.            Oh, of 2013.

19   Q.            Other than the treatment that you've already  
20                  described today, were there any other instances of  
21                  unfair or gendered treatment that you experienced at  
22                  Microsoft?

23                  MS. DERMODY: Object to form.

24                  THE WITNESS: The explanation given to me by  
25                  David Ladd when I got a 3 in -- or sorry, an -- an

1 A. Oh, yes.

2 Q. -- and that is what I'm trying to find out. What  
3 years was it that this impacted you?

4 A. Every year that I worked for Microsoft --

5 Q. Okay.

6 A. -- gender discrimination impacted me.

7 Q. Did anyone at Microsoft have the same job you did?

8 A. Can you define the "same job"?

9 Q. In the last role that you had at Microsoft as a  
10 senior security strategist with the duties that you  
11 had.

12 MS. DERMODY: Object to form.

13 THE WITNESS: The duties that I had had to do  
14 with programs that I was creating. The -- if you mean  
15 by "same job," we were in the same level bands, I had  
16 other people in the same level bands.

17 Q. (BY MS. HERMLE) That isn't what I mean. I'm trying  
18 to ask about your duties. Was there anyone else at  
19 Microsoft who had the same duties that you had in the  
20 last position that you held?

21 MS. DERMODY: Object to form.

22 THE WITNESS: The company had a lot of  
23 employees, so I don't know if there were other  
24 employees in the company who had similar duties.

25 Q. (BY MS. HERMLE) Did anyone have the same security

1                   duties that you had in 2013?

2                   MS. DERMODY: Object to form.

3                   THE WITNESS: There were overlapping areas of  
4                   cross-collaboration for a lot of the -- a lot of the  
5                   items. The programs that I created, you know, weren't  
6                   all singlehandedly run by me on a day-to-day  
7                   operational basis, so there were areas that I might  
8                   have been overall responsible for, but others had them  
9                   in their commitments as well. Is that a better answer  
10                  or getting to the crux of your question?

11                  Q.            (BY MS. HERMLE) It isn't really. Did you convey to  
12                  anyone inside of Microsoft or outside of Microsoft  
13                  that you had a wholly unique job with duties specific  
14                  only to you?

15                  MS. DERMODY: Object to form.

16                  THE WITNESS: There were duties specific to  
17                  me because of programs where I was the subject matter  
18                  expert in those items, so, you know, would I have  
19                  conveyed that? I don't -- I mean, in various forms,  
20                  probably I did.

21                  Q.            (BY MS. HERMLE) What did you convey about the  
22                  uniqueness of your job at Microsoft?

23                  MS. DERMODY: Object to form. It assumes  
24                  facts not in evidence.

25                  THE WITNESS: Well, an example would be that

KATHERINE MOUSSOURIS Confidential - Attorneys Eyes Only  
MOUSSOURIS vs. MICROSOFT

June 10, 2016  
279

1 an example of where they would have similar duties.

2 Q. (BY MS. HERMLE) Who at Microsoft in your view in 2013  
3 had the job duties that were closest to yours?

4 A. The scope of my role was very, very large. I don't  
5 think that there were -- that there were -- I don't  
6 know. I mean -- I don't -- I guess what I'm trying to  
7 say is the scope of what I was doing was very large,  
8 there were uniqueness -- there were unique elements  
9 because I kept creating new programs that didn't exist  
10 before. If I understand your question, you are asking  
11 who was the most similar?

12 Q. Yes.

13 A. Well, I didn't -- I wasn't really aware of people who  
14 had that large of a scope and still had to do a lot of  
15 the -- a lot of the, you know, management and -- and  
16 everything themselves. They often had much more help  
17 and support if they did have larger scopes.

18 Q. Earlier you were telling me -- and this is when we  
19 sort of had a disagreement about whether you were  
20 answering a question or not, so I'm going back to  
21 that -- you were telling me that there were men who  
22 had feedback that they needed to work on something and  
23 you also mentioned that there were men who had  
24 feedback that they were to work on their how, who were  
25 those men?